

W5YI

Nation's Oldest Ham Radio Newsletter

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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★ In This Issue ★

Hams Protest 13-cm Reallocation
ARRL & RFI Safety Standards
Ham Radio Call Signs as of May 1st
Amateur Licensing Statistics
No Ham Growth in First Quarter 1994
Ham Operator Runs for Congress!
NOAA Weather Radio to Expand
FCC Denies Changes in Ham Classes
Who Originated Vanity Call Signs?
GMDSS/O-Radar Endorsement Pools
Regulatory Fees to Begin in July
ARRL Comments on Regulatory Fees
More Ham Views on Vanity Call Signs
...and much, much more!

Vol. 16, Issue #11

\$1.50

PUBLISHED TWICE A MONTH

June 1, 1994

Amateur Community Protests NTIA Reallocation

The National Telecommunications and Information Administration (NTIA) is hearing plenty of comment from radio amateurs about its proposed reallocation of certain portions of the 13 cm band. The affected portions include 2300-2310, 2390-2400 and 2402-2417 MHz.

The 13 cm ham band extends from 2300-2310 and 2390-2450 MHz. If NTIA gets its way, amateur access to the band will be reduced to 2400-2402 and 2417 to 2450 MHz. The 13 cm band is primarily allocated to Government Military Radiolocation and telemetry. Access by the Amateur Service is on a secondary non-interference basis. In other words, the amateur community has had the use of the band, but it has never been exclusively their spectrum. The top part of the 13 cm band (2450 MHz \pm 50 MHz) is an ISM band ...for industrial, scientific and medical use.

NTIA, part of the Department of Commerce, regulates Federal use of the spectrum. The agency recently issued a preliminary report recommending bands to be reallocated over a period of several years, as required by the *Omnibus Budget Reconciliation Act of 1993*.

The government spectrum is to be reallocated to commercial use, but the exact nature of the commercial use is not known at this time. The FCC is separately inquiring into what possible uses could be made of this spectrum, which is likely to be licensed by auction to the highest bidder - raising some peculiar concerns over how

amateurs might share spectrum with auction winners.

NTIA believed the 13 cm bands to be re-allocated are "...very lightly used by radio amateurs, as compared to lower frequency bands." It took special note of the 2400-2402 MHz segment important to the Amateur Satellite Service, and proposes to leave that segment as is. However, filings by leading amateur organizations, especially on the West Coast, describe to NTIA in extreme detail the nature and growth of amateur communications in these bands, and the fallout from reallocation. Here are some excerpts:

- "With the...crowding in the 145 and 435 MHz amateur bands, future amateur satellites will depend heavily on the next higher bands, 1.2 and 2.4 GHz. The amateur-satellite service allocation in the 1.2 GHz region 1260-1270 MHz, is designated for use as uplinks only. Under ITU regulations, the lowest available frequency range for amateur satellite downlinks above 438 MHz is 2400-2450 MHz. As noted previously, the 3400-3410 MHz amateur-satellite service allocation is not available worldwide.

The next highest downlink allocation is 5830-5850 MHz. Because of the congestion on the lower bands and the economic and technical consideration: on the higher bands, it is the 2400 MHz band which will bear the greatest burden of supporting the growth of the amateur-satellite

WSYI REPORT

Nation's Oldest Ham Radio Newsletter

Page #2

June 1, 1994

service over the next ten to twenty years. It is difficult to see how it can do so if only 2 MHz of spectrum is available."

- *Radio Amateur Satellite Corp. (AMSAT), Washington, DC*

● "The proposed removal from government service of 35 MHz of the band will most likely result in this same spectrum being withdrawn from the Amateur Service. This spectrum is destined to be turned over to the Federal Communications Commission, and then sold to the commercial communications interests for money. The amateur community will try to obtain a primary status allocation for portions of this spectrum. We cannot (and SHOULD not) pay for this spectrum. Because of this, we are quite unlikely to be successful. This spectrum loss will virtually eliminate Amateur Television relay activities in this band. This loss will severely reduce the point-to-point narrow bandwidth and medium bandwidth capability in this band. This loss will require the experimental and weak signal operations to share the same small chunk of band with the Amateur Satellite operations to the substantial detriment of both. ...

"We are rather surprised that we were not contacted to obtain a report on the use of 2.3 GHz in our area. The NTIA report states...that "Overall use by the amateur community cannot be easily determined...". The ARRL either was not contacted, or neglected to supply complete information. The ARRL is reasonably easy to contact, and the frequency coordinators for every portion of the country are listed every year in the ubiquitous ARRL "repeater directory." It would seem that dependence on a single source of information about amateur activities is, at best, incomplete. SCRRBA is a quite visible entity in the amateur regulatory community, and has been so for 25 years.

There are microwave experimentation associations all around the country. Their members invariably have activity on the 2.3 GHz band. The ARRL could also help you find these associations. In our area, The San Bernardino Microwave Society (SBMS) members have been doing active microwave experimentation for more than 40 years. There are others as well, the San Diego Microwave Group (SDMG), and The Western States VHF-Microwave Society (WSVHF-MS), to name a few. There are numerous clubs, groups and individual amateurs who are well known in their various specialties. All of these Amateurs and their various clubs and associations could have been easily contacted by the ARRL."

- *Southern California Repeater and Remote Base Association (SCRRBA) Pasadena CA*

● "The Cactus Intertie System and the Cactus Radio Club were founded in 1971 to construct and operate a

system of interconnected remotely controlled amateur radio stations. Since our inception, we have constructed and now operate over 100 such stations in the Southwestern United States. These stations are located in the states of California, Arizona, New Mexico, Texas, Nevada, and Utah.

"Our present rate of construction averages 6 to 8 sites per year added to the network. These stations are interconnected by full time duplex radio paths operating in the 420-431, 902-928, 2300-2450 MHz frequency bands. This amounts to some 225 transmitters and associated receivers (terminals) just to provide the point-to-point connections between sites. ...

"The system is used for emergency inter-region communications. Neither the "Los Angeles (Northridge)" earthquake of 1994 nor the "San Francisco (Loma Prieta)" earthquake of 1989 interrupted any portion of this system. During those times of crisis, we provided communications not otherwise available.

"What may not be commonly known is that during a disaster of these proportions, the telephone companies suspend (often for several days) ALL incoming and most outgoing telephone traffic to entire regions many times larger than the actual affected areas. During these times, the Amateur Radio operators inside the disaster area are the only reliable sources of communications. ...

"Reviewing the sequence of events on the re-allocations in 2.3 GHz brings up several interesting questions. The mandate to make government spectrum available to non-government use has with it a requirement to evaluate the impact on existing use of the spectrum, and to compensate those displaced.

"The amateur community does not seem to have been consulted at all. The American Radio Relay League (ARRL) is a quite visible representative of the amateur community. Should you have wished to contact others, the amateur frequency coordinators for every region of the country are listed in every copy of the ARRL Repeater Directory. No-one on the west coast was consulted, as far as we know.

"The Amateur Radio Service has courteously and effectively shared spectrum with the government for nearly 50 years. We have been and are good neighbors, why dump us out in the street without as much as thanks or here is some help? We do not have the economic resources to fight the big commercial communications entities."

- *Cactus Intertie System, Cactus Radio Club, Inc., Santee, CA*

● "Our video repeater network has been built up over the last 12 years with a lot of time in man hours, equipment donations and generous donations to get where we are today.

"We enjoy our Ham Television Hobby, Public Service capability, and educational benefits to schools through the interest in communications science and space science with our occasional live video links to the space shuttle from participating schools. In a era of children staying away from education and the sciences we have helped get the interest back through our television network in our area.

"We also provide occasional links from a observatory site at Anza Valley 100 miles from Chapman College in Orange CA to help students who do not have the transportation to view the heavens or the new Radio Astronomy equipment that they are experimenting with. ...

"I would like to see our system provide the coverage and help to the community without any major setbacks due to loss of spectrum in the 2.4 GHz band."

- *Amateur Television Network, Crestline, CA*

- "The loss of the frequencies in the 2.4 GHz band would severely hamper the amateur radio community and force the re-engineering of the links in higher frequency bands, and at this time, the cost would be prohibitive, since the only obtainable equipment is manufactured by Microwave Radio Corporation at a cost 20 times the current cost of equipment in the 2.4 GHz band.

"It is doubtful that the Palomar Amateur Radio Club would be able to provide the service we now provide to San Diego County if these frequencies are lost to Amateur Radio."

- *Palomar Amateur Radio Club, Vista, CA*

- "What one needs to understand is that the clubs and individuals converting this equipment spend thousands of hours and dollars working on this equipment in order to make it operate. There is no known equipment that can take the place of these units on this band.

"The 2417-50 band by itself will not work for linking because of the lack of equipment available to convert. The 2445-2450 band cannot be used in the metropolitan area because of the use of microwave ovens."

- *Frequency Coordination Committee, Amateur Radio Council of Arizona, Tucson, AZ*

- "A significant unknown is the effect of competitive bidding, or auctions, on a non-government service having a secondary status in the band to be reallocated. One could speculate that a secondary allocation would be difficult to use if the users in the primary allocation paid for access. Normal principles of spectrum sharing and accommodation for any secondary use would not appear to apply. This is especially true

where the successful bidder in a competitive bidding situation is permitted resale opportunities for reallocated spectrum. In such circumstances, it is difficult to envision any possibility for secondary operation in the shared allocation. ...

"NTIA has taken some care in selecting frequencies that will least disrupt at least some existing amateur uses of Federal Government bands. Federal retention of the 2400-2402 MHz band indicates that NTIA was protecting existing amateur-satellite operations in this band. These two megahertz are wholly inadequate, however, to accommodate currently planned, near-term future requirements of the Amateur-Satellite Service..."

"In preparing its Report, NTIA necessarily had access to the Government usage database. It also, apparently, conducted extensive negotiations with the Federal users potentially affected by any reallocation in the search for bands that would be least harmful and costly (to Government users) to reallocate. No such negotiations were conducted with amateur users.

"While it is accurate at the current moment to characterize the 2300-2310 MHz and 2390-2450 MHz bands as lightly used by Amateur Radio Service, this is also true for Federal Government use. That is precisely why amateurs and Federal Government users have been good sharing partners. Thus, light usage in this band has been considered desirable.

"Overnight, the rules seem to have changed from the neighborly goal of minimal apparent presence in the bands, keeping amateur usage low, to the "staking out of territory" concept, whereby as much usage as possible is the overriding goal; in other words "use it or lose it." If current usage is the only yardstick to be measured against the future needs of other radio services, then the Amateur Service cannot but suffer from its effort to conduct positive sharing relationships with other users. ...

"The Amateur Service was specifically provided protection by Congress in the omnibus Budget Reconciliation Act. Three distinct obligations were specified by Congress for NTIA to follow in considering which bands to reallocate for non-government use, in order to protect amateur use of shared bands. It was a distinct surprise to the League, therefore, in reviewing the Preliminary Spectrum Reallocation Report, to find that, of the bands proposed for reallocation from Government use, fully 35 MHz is shared with amateurs.

"Furthermore, there was no indication of any finding or study, as required by statute, that the proposed reallocation of that 35 MHz for commercial use will be benign with respect to continued amateur occupancy of the band."

- *American Radio Relay League, Newington, CT*

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #4

June 1, 1994

ARRL DISPUTE OVER RFI SAFETY STANDARD *Board of Directors Adopts Position Contrary to Experts*

The controversy over how dangerous radio transmissions are to radio operators and the general public continues at the FCC. In ET Docket 93-62, the FCC is considering whether to update its regulations with a newer RF exposure standard, ANSI/IEEE C95.1-1992, issued by the American National Standards Institute and the Institute of Electrical and Electronics Engineers.

The ARRL has come under criticism for its position that Amateur Radio should be exempt from new RF exposure regulations, and that the FCC should rely on amateur self-training and educational efforts to ensure RF safety in the service. The ARRL presented the FCC with numerous examples of RF-safety coverage in League publications. New regulations of concern to ARRL could come in the form of "environmental assessments" that amateurs would have to submit, to show that their stations did not represent a threat of excessive RF.

Criticism of these positions comes from members of ARRL's own committee on the subject: its Bio-Effects Committee. These members claim that the ARRL Board ignored their recommendations. The members filed comments with the FCC (W5YI Report, Feb. 1, 1994), but they report that ARRL warned them not to file reply comments. They did so anyway!

The Amateur Radio Health Group reply comments were filed by California State University communications professor Wayne Overbeck, N6NB, (Tustin, California) and Stuart Cowan, W2LX of Henniker NH. Cowan organized the group, which "includes a number of medical doctors who have conducted laboratory and/or epidemiological research" in RF health issues.

They claim that companies and organizations with a financial stake in RF communications are arguing for the FCC to adopt the ANSI/IEEE standard - which the group considers defective - and that the FCC proposals are too vague or ill-founded to protect the public.

The standard is based on thermal, not athermal (non-temperature) RF effects. "It is particularly frustrating when persons who are seemingly unfamiliar with recent medical literature flatly deny the existence of athermal effects - and urge the Commission to adopt standards that ignore important public health considerations," N6NB and W2LX said.

ARRL recognized the lack of consensus on the ANSI/IEEE 1992 standard for RF exposure. "Certain comments, principally from broadcasters, urge adoption of the standard, though this is done apparently without consideration of alternative standards," ARRL said, recommending that the proceeding be recast as

a Notice of Inquiry - not Rule Making - to consider alternatives to the ANSI/IEEE standard.

"Assuming for the moment, however, that ANSI/IEEE 1992 or another standard is ultimately adopted, the Commission should continue the categorical exemption from routine environmental processing of all amateur station and operator license applications. There is no evidence that amateur stations would, except in rare circumstances, exceed even the 1992 standard, and the variability in amateur station configuration does not support the filing of an environmental assessment for amateur stations.

"Amateurs are uniquely subject, however, to operator license examinations, and there are questions in the examination question pool dedicated to RF safety. At the same time, the League has in all relevant publications significant educational materials for amateurs concerning RF safety. These materials are a good and sufficient means of addressing RF exposure from amateur stations."

Controlled and uncontrolled

Key to understanding the controversy is the proposed standard's concept of "controlled" (person knows he/she may be exposed to RF and can take action if desired) and "uncontrolled" environments (person unaware of RF exposure). The safety factor for uncontrolled environments - intended for the general public - is much tighter than for "controlled" environments.

"Several thousand U.S. amateurs use high power in the VHF-UHF region, in combination with high-gain antennas, for long-distance communication by such modes as tropospheric scatter, meteor scatter and aurora as well as EME," according to the Amateur Radio Health Group.

"In addition, thousands more amateur operators use amplifiers in the 100-200 watt range in VHF mobile service. No one denies that such an installation produces EMFs [electromagnetic fields] exceeding the standard for uncontrolled environments in areas accessible to the general public. ...

"There is, as National Association of Broadcasters conceded concerning commercial mobile installations utilizing similar power levels and antenna configurations, a potential hazard zone with a radius of up to seven feet at 450 MHz. These solid-state amplifiers for VHF mobile use, which require only a 12-volt DC power source, are featured in the catalogs of all major amateur equipment retailers - usually without any warnings about the hazards they may pose!"

The group also argued that all hand-held transceivers with power outputs exceeding 1.4 W should be required to have prominent warnings, mounted on the

unit itself, about the "probable hazards associated with their use." It cited the popularity of indoor and hidden antennas, including small, transportable loop antennas. Recent growth in use of these antennas has created "another radiation safety hazard," it said. Given these many considerations, Amateur Radio Health Group argued it would be "inappropriate for the Commission to again exempt the amateur service from all requirements for compliance with radiation safety guidelines. Education is not enough."

"Granted, ARRL and other amateur radio publishers often disseminate information about RF safety matters. Indeed, this author [Overbeck] published an article on this subject in the current issue of QST ...However, vast numbers of amateurs - especially newcomers who hold the no-code Technician license - are neither members of ARRL nor subscribers to any other amateur radio magazine. In fact, if one compares amateur licensing statistics with ARRL membership statistics, it becomes apparent that only a small percentage of newly licensed amateurs are joining ARRL. ...Education alone cannot work if a large percentage of radio amateurs neither read the publications nor join the organizations that endeavor to educate them."

The Health Group recommended that the FCC publish a guide "showing required separation distances between antennas and inhabited areas for each amateur band and each major antenna type, with transmitter power levels of 10 watts, 100 watts and 1000 watts, for example."

ARRL accused of muzzling committee

"Something must be said in these reply comments of the disturbing sequence of events that led to the filing of separate comments in this proceeding by ARRL and by members of the ARRL Bio-Effects Committee," the Health Group told the FCC. "This difficult problem arose when the ARRL Board of Directors determined ARRL's position on this issue unilaterally, without soliciting input from its own committee of experts or the membership at large."

"When members of the Bio-Effects Committee learned that the Board had adopted a position on this matter under these circumstances, they prepared an unsolicited statement of their views and submitted it to the Board of Directors. While the ARRL staff acknowledged having received this statement, no one at the board or staff level offered to engage members of the Bio-Effects Committee in any substantive dialogue about the differences between the board's position and the committee's. Those differences were major."

"While the board took the position that amateur radio should be categorically exempt from compliance with any FCC-adopted radiation safety standard, the

committee disagreed. While the board declared that there is a 50-fold safety factor built into the ANSI standard for uncontrolled environments (a standard which ARRL dismissed as "completely and utterly specious"), the committee said that this standard is inadequate to protect public health because it ignores the effects of modulation, among its other shortcomings. And while the committee said the standard for uncontrolled environments was the absolute minimum that the Commission should consider adopting to protect radio amateurs, their families and neighbors, the board took the position that if amateur radio is to be regulated for radiation safety at all, it should be under the standard for controlled environments.

"The board did not indicate how the families and neighbors of radio amateurs could be informed--and their voluntary consent obtained--for exposures exceeding the limits allowed in uncontrolled environments, as would be required if amateur radio operations are to fit within the ANSI definition of a controlled environment."

"After the board learned that members of the Bio-Effects Committee had filed formal comments in this proceeding, a period of demands and recriminations occurred. Representatives of the board first demanded that the members of the Bio-Effects Committee sign a statement--to be attached to ARRL's reply comments in this proceeding--intended to soften the disagreement between the board and the Bio-Effects Committee. In the same e-mail message from a senior ARRL official that outlined what such a statement should say, committee members were also told not to file reply comments in this proceeding."

"When it became apparent that most committee members were unwilling to comply, one committee member was summarily dismissed and the others who had signed the committee members' separate comments were sent letters chastising them for doing so."

"This sequence of events would suggest that in the board's view, the Bio-Effects Committee exists not to provide expert advice to the board but instead to lend credibility to whatever position the board chooses to adopt."

● **The FCC has denied two *Petitions for Reconsideration* of its decision to relax restrictions on the scope of permissible communications in the amateur service. David B. Popkin, W2CC, and Rolland D. Cummings, WA0EDH, filed petitions requesting that the rules permit the retransmission of time broadcasts originated by U.S. Government stations. Popkin also wanted the FCC to permit the retransmission of other information originated by Government stations, and to substitute the phrase "instructional activity" for the phrase "classroom instruction."**

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #6

June 1, 1994

AMATEUR RADIO CALL SIGNS

...issued as of the first of May 1993:

Radio District	Gp.*A*	Gp.*B*	Gp.*C*	Gp.*D*
	<u>Extra</u>	<u>Advan.</u>	<u>Tech/Gen</u>	<u>Novice</u>
0 (*)	AA0QV	KG0MQ (***)		KB0MOH
1 (*)	AA1JB	KD1UJ	N1RTU	KB1BHH
2 (*)	AA2SA	KF2UW	N2YOM	KB2QYJ
3 (*)	AA3HS	KE3MS	N3RXO	KB3BBM
4 (*)	AD4RM	KR4RG (***)		KE4LLJ
5 (*)	AB5TW	KJ5WY (***)		KC5GKD
6 (*)	AC6BV	KO6AY (***)		KE6GVP
7 (*)	AB7CA	KI7YB (***)		KC7CBL
8 (*)	AA8OP	KG8IF (***)		KB8SHJ
9 (*)	AA9KQ	KF9VF	N9WUM	KB9IXX
N.Mariana Is.	KH0D	AH0AS	KH0CR	WH0AA
Guam	WH2D	AH2CU	KH2JL	WH2ANK
Johnston Is.	AH3D	AH3AD	KH3AG	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6NF	WH6UD	WH6CRG
Kure Is.			KH7AA	
Amer. Samoa	AH8J	AH8AG	KH8BF	WH8ABB
Wake W.Peale	AH9C	AH9AD	KH9AE	WH9AAI
Alaska	(**)	AL7PQ	WL7SF	WL7CHN
Virgin Is.	WP2L	KP2CC	NP2HL	WP2AHU
Puerto Rico	(**)	KP4WP (***)		WP4MOZ

CALL SIGN WATCH: * = All 2-by-1 "W" prefixed call signs have been assigned in all radio districts.

** = All Group A (2-by-1) format call signs have been assigned in Hawaii, Alaska and Puerto Rico.

*** = Group "C" (N-by-3) call sign formats have now run out in all but the 1st, 2nd, 3rd and 9th call sign areas.

[Source: FCC, Gettysburg, Pennsylvania]

• We have noted "no growth" in the number of ham operators this year. Here are the figures!

Census of Active Amateurs - Total all classes:

Year	Jan. 1	Feb. 1	Mar. 1	Apr. 1	Increase
1994	631598	631726	631042	630347	(1251)
1993	587657	594809	596225	600445	+12788
1992	543117	547139	551198	555989	+12872
1991	500243	502133	504360	507083	+6840

First Time Amateurs - Total all classes:

Year	Jan.	Feb.	March	Total
1994	2398	2589	3010	7997
1993	4728	3880	4239	12847
1992	4030	4092	4806	12928
1991	1816	2162	2656	6634

The primary answer: **Failure to renew!** Ten year term ham tickets started in 1984 and in 1994 began coming up for renewal. And only 35% of these tickets are being continued. For the first 3 months of 1994, 11,248 amateurs failed to extend their ticket. (Many are Silent Keys.) 6044 renewals this year (out of 17292 eligible.)

MARCH AMATEUR LICENSING STATISTICS

<u>March</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	
New Amateurs:					
New Novices	1734	1364	564	158	
New Tech's	<u>882</u>	<u>3347</u>	<u>3608</u>	<u>2805</u>	
Total New:	2636	4806	4239	3010	
<u>Upgrading:</u>					
Novices	1157	898	838	353	
Technicians	*524	*798	*917	*633	
Generals	317	468	631	386	
Advanced	<u>218</u>	<u>353</u>	<u>393</u>	<u>237</u>	
Total:	2216	2517	2779	1609	
<u>Renewals:</u>					
Total Renew:	57	92	128	3304	
Novices	6	9	14	230	
<u>Purged:</u>					
Total Dropped:	373	15	19	30	
Novices	106	1	2	1	
<u>Census:</u>					
Indiv. Oper.	507083	555989	600445	630347	
Change/Year	+47233	+48906	+44456	+29902	
<u>Individual Operators by Class:</u> (and % of total)					
<u>Extra</u>	<u>Advan.</u>	<u>General</u>	<u>Technic.</u>	<u>Novice</u>	<u>Total:</u>
<u>March 1991</u> (End of month statistics)					
54489	105806	120496	130843	95449	507083
10.7%	20.9%	23.8%	25.8%	18.8%	100.0%
<u>March 1992</u>					
58543	108303	123000	167921	97922	555989
10.5%	19.5%	22.2%	30.2%	17.6%	100.0%
<u>March 1993</u>					
62397	110656	126011	201670	99711	600445
10.4%	18.5%	21.0%	33.5%	16.6%	100.0%
<u>March 1994</u>					
65575	111597	125044	232523	95608	630347
10.4%	17.7%	19.8%	36.9%	15.2%	100.0%
Club/					
RACES &	(1991)	(1992)	(1993)	(1994)	
Military:	<u>2432</u>	<u>2432</u>	<u>2429</u>	<u>2431</u>	
Total Active:	509515	558418	602876	632700	
% Increase	+10.2	+9.6%	+8.0%	+4.9%	
(* = Does not include Technicians upgrading to Tech Plus)					

(* = Does not include Technicians upgrading to Tech Plus)

AMATEURS BY CALL SIGN GROUP:

Group	Extra	Advan.	General	Technic.	Novice	Total
A	36860	659	232	7	0	37758
B	4520	30222	51	6	1	34800
C	15084	43891	66516	98999	41	224531
D	9107	36825	58245	133511	95566	333254
Other	4	0	0	0	0	4
Total	65575	111597	125044	232523	95608	630347

[Group "A"=2X1 & 2X2; "B"=2X2; "C"=1X3 "D"=2X3 format.]

[Source: FCC Licensing Facility, Gettysburg, PA]

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #7

June 1, 1994

• HAM RUNS FOR CONGRESS?

Dan Rudd, WB4PRX, an Extra Class licensee from the Sixth Congressional District of Tennessee recently announced his candidacy for the U.S. Congress in the Democratic Party. Dan is a physician who has been in Murfreesboro since grade school. He obtained his Novice license in Ninth Grade (1971) and rapidly advanced from there. He was active during the Vietnam War running phone patches for servicemen and following this developed a strong interest in DX.

Even though he is a Democrat, he has deep conservative beliefs and will resist further intrusion of the Federal Government into the private sector. He believes the Amateur Radio frequencies must be protected from further encroachment by other interests. Rudd also feels that volunteer examiners must be protected by Federal Law from any liability claims incurred in the course of their amateur radio duties. If elected, he will be the only ham operator in the U.S. Congress.

His office may be contacted at 1255 N. Highland Avenue, Murfreesboro, Tennessee 37130 or (615) 848-1881.

• WEATHER RADIO TO EXPAND

An interagency Task Force has begun to implement a mandate announced by Vice President Al Gore to upgrade the National Oceanic and Atmospheric Administration (NOAA) Weather Radio into an "All Hazards" radio network, extending its reach to rural users. As a first step, the group met with community members in Cherokee County, Alabama, an area hard hit by tornadoes in late March.

Agencies participating in the program are the National Weather Service, the Federal Emergency Management Agency (FEMA) and the Dept. of Agriculture. The agencies are looking for "public-private partnerships" to help fund the stations necessary.

"As events unfolded with the deadly series of tornadoes in the South, the need for increased accuracy and timeliness of weather warnings is clear," Commerce Secretary Ron Brown said. "New technology and personnel performed well and with great courage, but the weak link was that information transmitted by the National Weather Service tragically was not received in a timely way by all those who needed it in out-

lying areas."

Few homes or churches were equipped with NOAA Weather Radio, and although there are about 400 stations, transmitters do not exist in some rural areas. During emergencies, the stations interrupt normal broadcasts with warnings and sound alarms to alert listeners. Some models of Weather Radios can demute upon receiving the alarm.

Vice President Gore said his goal is to see that Weather Radios are "as common as smoke detectors in homes" and to increase the coverage of NOAA's system so that it reaches 95 percent of the nation.

Rebroadcasting of NOAA weather forecast information on ham radio spectrum was legalized last September as part of the FCC's general relaxation of prohibited amateur communications. NOAA Weather Radio Frequencies: 162.400, 162.425, 162.450, 162.475, 162.500, 162.525 and 162.550 MHz.

• NO CHANGE IN HAM CLASSES

On May 13th, the Federal Communications Commission denied a *Petition for Rule Making* filed earlier this year by the Cass County Amateur Radio Club (CCARC). The denial order did not say where the club was located.

CCARC wanted to reduce the present five class license structure to three: Novice, Technician and General. In effect, Amateur Extra, Advanced and General Class operators would be combined with those Technician Class operators who have demonstrated telegraphy skill. They would have full operating privileges. CCARC believes that the majority of amateur operators are dissatisfied with the current operator license class arrangement and that "...most other countries already have a three class license structure."

The FCC denied and dismissed the petition on the basis that "...the views previously expressed by members of the amateur community through thousands of comments in numerous rule making proceedings continue to be valid. Hence, in our view, the amateur community, by and large, is satisfied with the current structure, the fundamental purpose of which is the encouragement and improvement of the amateur service in the United States through rules that provide for advancing skills in both the communication and technical phases of the art."

• ORIGINATOR OF VANITY CALLS

We have received a letter from Jim Wills, N5HCT of Tyler, TX concerning vanity call signs. Wills was the Texas amateur who single-handedly worked with Congress to get the provision for special call signs inserted into the legislation. (W5YI Report, Aug. 15, 1993) He says that the ARRL is now taking credit for "...my provision to collect a fee for a unique call sign."

"Since I started all this in the first place, it seems like critics and supporters alike are coming out of the woodwork," Jim says. "I can tell you unequivocally that on July 9, 1990, I received a letter from an executive of the ARRL in response to my request for support. He stated, 'Thanks for the copy of your request for rulemaking to provide for the use of dormant call signs upon payment of a user fee. When you get a reply from the FCC, I would appreciate having a copy.'"

"On September 30, 1991, I wrote Larry Price, W4RA, then president of the ARRL, asking for support. I never received an answer.

"I disagree that the used fee is a tax by another name. It is reasonable to pay for a service above and beyond the normal free call sign assignment system. The fee will only be paid by those who desire a call sign change and affects no one else."

• GMDSS/O & RADAR ENDORSEMENT

The FCC has just released the Question Pools for the Commercial Radio exam Element 7 (GMDSS Operator) and Element 8 (Radar Endorsement.) The GMDSS Operator line up:

Pool	Subelement Topic	Test
110	7A General, Legal	21
52	7B NBDP (Narrow Band Direct Printing)	10
151	7C INMARSAT	12
38	7D NAVTEX System/Equip.	9
29	7E DSC (Digital Selective Calling)	11
66	7F Survival Craft	13
446	Pool Questions.	Exam: 76

Element 8 is used to prove qualifications necessary to install, service, and maintain ship radar equipment for marine navigational purposes. Exam contains 50 questions: 38 passes.

These pools (with answers) may be ordered from us by calling (toll free) 1-800-669-9594. Cost is \$7.95 Each. Ask for Element 7 and/or 8

W5YI REPORT

Nation's Oldest Ham Radio Newsletter

Page #8

June 1, 1994

Radio spectrum: the administration's cash cow. **REGULATORY FEES TO BEGIN IN JULY**

Another facet of the Clinton Deficit Reduction Package is about to be inaugurated ...and quickly! On March 11th, the FCC adopted a *Notice of Proposed Rulemaking* seeking to implement the provisions of a new Section 9 of the *Communications Act of 1934*. The proceeding originated in the FCC's Office of the Managing Director: MD Docket No. 94-19.

Put on a super fast track, comments closed in just three weeks, replies: 10 days later! The next three weeks has reportedly yielded a 75-page *Report and Order* which is now on a tour (called a "circulation route") to the various FCC Commissioners for their signatures. The "circulation" backlog already stands at over 100 items, and the Regulatory fee issue goes to the top of the stack. FCC action could come as early as next week! The new Regulatory fees are expected to become effective July 5th. That's if everything goes as anticipated.

It will be interesting to see how fast the Commission will be able to get the word out to the public since the new Section 9 fee schedule will go into effect almost immediately. Confusion will reign at first. Amateur radio operators will not have to pay for the cost of FCC regulation, but Commercial Radio Operators will be assessed an annual fee based on \$7 a year..

Regulatory fees are expected to increase the cost of obtaining a 5 year renewable commercial ticket by an additional \$35. The two lifetime term commercial radio licenses, the Restricted Permit (RP) and General Radiotelephone Operator License (GROL), will cost \$105.00 more by separate check payable to the FCC. The \$105 Regulatory fee is based on a "lifetime" of 15 years times the statutory annual fee of \$7.00.

MD Docket No. 94-19 made the entire trip through the required "notice-and-comment" process in less than three months. By contract, ham radio rule making takes two years to complete the journey which is required by the *Administrative Procedures Act of 1946*!

Regulatory fees

Section 9 of the Communications Act permits the FCC to assess and collect annual Regulatory (or "User") Fees. It is apparently only the beginning - more are on the way! Regulatory fees are in response to the Clinton administration's request to Congress that the FCC should totally support itself through user fees.

These fees are used to offset the cost of the Commission's enforcement, administrative, information, rule making and international activities. The idea is to get the Federal Communication Commission self-funded by the users of their services. Instead of all

taxpayers supporting the FCC, commercial users of the radio spectrum will now foot the Commission's bills. Ultimately, the entire FCC budget will be paid by those who use and make money from the radio spectrum. Due to their non-pecuniary status, ham operators are exempt.

FCC Chairman Reed Hundt has asked Congress to approve \$167.4 million to fund his agency's fiscal 1995 operations. And he says he needs another \$20 million on top of that to hire and support another couple hundred employees, raising the FCC's 1995 budget to \$187 million.

In fiscal 1995, the FCC expects to collect \$130 million to \$135 million in (Section 8) licensing and (Section 9) regulatory fees, of which \$95 million will be used to offset the \$167 million the FCC is asking Congress to provide. About \$40 to \$45 million in licensing fees will go to the U.S. Treasury and will not be used to offset the FCC's budget.

Last year, Congress approved \$11 million so the FCC could hire 240 people to staff the Cable Services Bureau which is charged with implementing the massive 1992 cable legislation. When all have been hired, the FCC will have 2,046 employees. The 200 more staffers that Hundt wants will go to bureaus other than Cable.

If all goes right, the FCC is planning to have 2,246 workers on the payroll by the beginning of the next fiscal year (October 1, 1994). While this represents a 20% increase, it isn't any more than the agency had some 15 years ago when they had substantially less work to do!

Only the beginning

The fact remains that a self-funded FCC will require more and higher regulatory fees - something that deeply worries members of the communication industry ...particularly broadcasters. The agency estimates that fees would have to increase by as much as \$70 million for the Commission to pay for itself.

At a House Appropriations subcommittee hearing last month, Mr. Hundt said that "...if Congress wished to move in that direction, I don't think it would present any unreasonable burden on the industries."

Industry members vehemently disagree. They believe that a bureaucracy whose existence depends on the fees and fines it collects might be motivated to regulate in its own self-interest ...rather than the public interest. (Depending upon the market, TV broadcasters are scheduled to begin paying fees ranging from between \$4,000 and \$18,000 a year. Cable systems: 37¢ per subscriber.)

And if the Information Superhighway opens soon, even more Regulatory fees will be needed. A proposal

has already been introduced into Congress to allow the FCC to raise its user fees to cover the cost of implementing the legislation and maintaining the "road." The Superhighway could well become a toll road.

But don't look for the highway to open anytime soon. Potholes are everywhere and the legislation remains bogged down in the Senate, primarily over the question of local telephone company entry in the long-distance telephone and cable TV business.

As if industry did not have enough to worry about, now comes word of another new fee: the Spectrum Royalty! Basically it is a tax to cover the expenses associated with the *General Agreement on Tariffs and Trade* (the so-called GATT free trade agreement) and the jailing of illegal immigrants. The proposal was quietly inserted into a fiscal 1995 budget amendment by the White House.

The spectrum royalty fee has infuriated Congress - especially House Energy and Commerce Committee Chairman John Dingell. It was his committee that wrote the FCC's self-funding provision that is the basis for the administration's plan to have user fees underwrite \$95 million of the \$167.4 million 1995 FCC budget. He was not notified beforehand of the Clinton plan to divert FCC generated funds to other purposes unrelated to telecommunications.

ARRL SUBMITS COMMENTS ON REGULATORY FEES

The American Radio Relay League has filed formal comments on MD Docket No. 94-19. They keyed on two aspects of the FCC's regulatory fee proposal.

First, the League said it supported the exemption of amateurs from regulatory fees and said "...it is consistent with Congressional intent, and because there is no justification for an annualized regulatory fee for radio amateurs."

ARRL mentioned that the amateur service was

- (1.) Self-regulating and disciplined;
- (2.) Amateurs participate in self-policing and encourage rule compliance through a volunteer monitoring program; and
- (3.) Volunteers prepare and administer examinations for amateur licenses.

"The result of the implementation of these programs has been the saving of a great deal of Commission time and expense, and increases in the efficiency of amateur radio administration. ...

"There is no justification for an abstract regulatory fee for radio amateurs, given the nature of the service and the absence of any real administrative burden to the Commission created by radio amateurs. Their basic needs are, with but few exceptions, administered through volunteer efforts, and an annual regulatory fee is not justified.

The ARRL also said it supports the creation of rules which provides for fees to be assessed and collected for a new system of vanity station call signs in the Amateur Radio Service.

The Commission proposed in PR Docket 93-305 to create a new program whereby amateur radio operators who desire a particular call sign could select such, provided that they file an application and pay an annualized fee of \$7 per year. The fee would be collected in advance for a ten-year license term, so that the total payment with the call sign request would be \$70. Additional fees would be charged thereafter for the renewal of the special call sign.

"The League said it does not oppose the implementation of the fee collection arrangements for the vanity call sign program. ...Indeed, the program was the result of proposals to Congress made by the League just prior to the adoption of the *Omnibus Budget Reconciliation Act of 1993*.

"However, the League's proposal, developed as the result of conversations between the League and the Commission's Private Radio Bureau, was slightly different in that it involved an advance, one-time application fee for a vanity call sign request. The one-time application fee would be refunded if the call sign was not available. If available, the call sign would be assigned, and the one-time application fee would entitle the radio amateur to the use of the requested call sign for life.

"The League-proposed application fee would have more properly been incorporated in Section 8 of the Communications Act, [which covers application fees] ...rather than in Section 9, the category of annual regulatory fees.

"The League proposal was not adopted as such by Congress in the *Budget Reconciliation Act*. However, the League has requested that Congress, in near-future legislation, modify the vanity call sign fee arrangement such that it is removed from Section 9, and incorporated instead in Section 8 of the *Communications Act*.

"A one-time application fee, to be determined by Congress, would be collected instead of an annualized regulatory fee for the maintenance of the call sign assignment. The proposed modification should be revenue-neutral. The response of Congress to this modification proposal has been positive, and it is likely that in the near future (perhaps prior to a determination on the merits of implementation of the Vanity Call Sign program in Docket 93-305) the Vanity Call Sign fee will be in the nature of an application fee, rather than an annualized regulatory fee."

- American Radio Relay League, Newington, CT

MORE ON VANITY CALL SIGNS - PR-Docket 93-305

- "QCWA is primarily concerned about the many Amateur Radio licensees who were required to surrender their old call signs when they moved to another call area, per the Commission's rules at the time.

...When this was no longer a requirement, there was no vehicle for reobtaining the lost call because the Commission was now systematically issuing call signs. When this point was discussed with Commission personnel several years ago, there was very little sympathy shown for those who had lost their identity, if you will, by the prior action. In fact, the comment was made that Radio Amateurs have an obsession with call signs! ...Many of those who 'lost' the earlier call would be extremely happy to have the old call back. It is [this] group that the QCWA is requesting special consideration under the new 'Vanity Call' system..."

- Quarter Century Wireless Association, Inc., Eugene, OR

- "I respectfully submit that because they are so desirable, vanity call signs should be available only to Extra and Advanced Class licensees. Such a limitation would act as an incentive for General and lower class licensees to upgrade, just as the availability of unassigned 'preferred' call signs once worked as an incentive for amateurs to gain experience and upgrade to Extra Class.

"Inasmuch as current holders of preferred or other special call signs received their call signs under a system other than the one now being implemented, it would be improper to charge those holders a \$70 vanity call sign fee upon renewal of their station licenses."

- Leo Zucker, (Attorney), K2LZ, Yorktown Heights, NY

- "Since it is possible that all of a licensee's choices may already be assigned, I think it would be a good idea if one possible choice would be, 'any unassigned 1x2 call' or something similar. I have the call WU2W and would like to change it to a 1x2 call with a 4 in it since I live in Florida now (such as W4XX). I have some preferences, but, if all of my choices are already taken, I'd rather have any 1x2 than keep the current call. The proposed rule would make me have to keep reapplying and listing more choices until I found one that was not assigned. This will create much unnecessary work for the FCC."

- Stephen Sarasohn, WU2W, Boca Raton, FL

- "Provision should be made, especially in the case of holders of the Extra Class license, to make 1x2 call signs (e.g. W1AB) available on a seniority basis. The Commission established a precedent under similar circumstances when, in the mid-1970's, 1x2 call signs were made available to Extra Class amateurs based on seniority. One form of implementation would be to make Vanity Call signs available only to Amateur Extras with 20 years or more [seniority] for a six month

period, followed by 10 years for the next 8 months, and then all licensed amateurs. Clearly many such arrangements are possible."

- Richard A. Foster, W2IE, Round Rock, TX

- "I am an Extra Class Amateur Licence (sic) holder and totally disagree that vanity call signs should be issued. The present system of randomly generated call signs is more democratic and in the true service oriented spirit of the amateur radio service. Please do not change something that is working well to satisfy a small minority."

- John W. Winter, K5CT, Wichita, KS

- "...little [has been] said that related to the effect any such amendment may have on the Commission, its mission, or any potential of loss to the government.

"The Federal Communications Commission is a regulatory agency. Its function is to regulate communications rather than engage in the business of selling consumer goods or amateur radio call signs. It was neither created or organized as a business for profit and its staff was not selected for its ability to survey the marketplace and determine whether or not any given enterprise might be profitable, or for that matter, even evaluate whether such might even pay for itself. In spite of how efficient the Commission's automated system advocates promise it will be and the suggestions that the anticipated revenue from the fees collected will more than offset the costs, history has shown that most government services end up operating at a loss. Especially considering the aforementioned lack of internal marketing expertise, the effect of the potential costs of administering the proposed fee collections, and an apparent lack of licensee interest that is probably below the numbers that would be sufficient to reach a hypothetical break even point, the vanity call sign system is likely to be no exception.

"...taking on this additional task that is (1) beyond the Commission's primary regulatory function, (2) serves no useful purpose, (3) has no substance, (4) is frivolous, and (4) does nothing whatsoever to serve furthering the Amateur Service's purpose as stated in Section 97.1 of the rules is simply inappropriate. Adopting this rule amendment can only serve to further divert the Commission's attention and resources from its primary statutory mission and make an already bad situation worse.

"Implementing and maintaining the amendment amounts to adding another time and resource consuming task to an already understaffed and underfunded Commission that is perceived by many as being only marginally functional. Collecting the proposed fees introduces an additional administrative task and promises to do nothing that will relieve the general state of affairs.

- Richard A. Stalls, K4KY0, Arlington, VA